

Swartz

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EASTWIND MARITIME INC.,

Plaintiff,

v.

TETHYS TRADING,

Defendant.
-----X
-----X

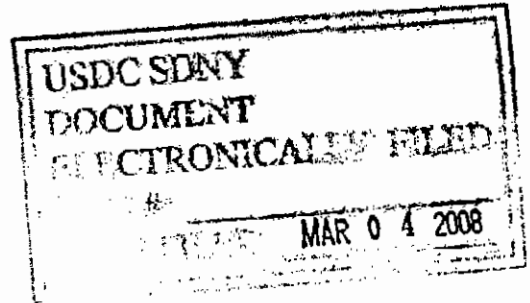
EASTWIND TRANSPORT LIMITED,

Plaintiff,

v.

SARL STAR FRUITS IMPORT-EXPORT,

Defendant.
-----X



08 CV 0534 (LTS)

07 CV 11195 (LTS)

**ORDER VACATING PROCESS OF MARITIME ATTACHMENT,
DIRECTING THE RELEASE OF FUNDS UNDER ATTACHMENT
IN NEW YORK AND DISMISSING THE CAPTIONED ACTIONS**

WHEREAS, pursuant to Process of Maritime Attachment and Garnishment, the
Plaintiff attached funds belonging to the Defendants in the amount of \$1,222,000.00 at
Wachovia Bank N.A.;

WHEREAS, the Defendants Tethys Trading and Sarl Star Fruits Import-Export have not appeared in the action, but the parties have now resolved their differences and reached agreements to settle a portion of the claims and establish an escrow agreement to secure the remainder of the claims;

WHEREAS, the Plaintiff and Defendants have presented evidence of the settlement by way of a declaration from the Defendants' Principals and Managing Directors and the representations of the Plaintiff's counsel;

NOW, THE COURT HAVING REVIEWED THE DECLARATION OF MR. MOHAMED CHABI & MR. ABDEL AZIZ BELHIBA AND THE APPLICATION OF THE PLAINTIFF'S COUNSEL,

IT IS HEREBY ORDERED that the that the Processes of Maritime Attachment, issued pursuant to this Court's Orders dated December 13, 2007 and January 22, 2008 in the captioned matters are hereby vacated and all garnishees that have been served with the Process of Maritime Attachment are no longer required to comply with the Processes of Maritime Attachment and Garnishment and that any and all property of the Defendants Tethys Trading and/or Sarl Star Fruits Import-Export that have been restrained by garnishee bank, Wachovia N.A., are to be immediately released pursuant to the below direction of the Court;

IT IS HEREBY ORDERED that the garnishee, Wachovia Bank N.A., which has restrained, and is holding, payments in the amount of \$1,222,000.00, shall release said funds and disburse them as follows:

- The sum of \$750,000.00 shall be wired transferred to the IOLA account of the Plaintiff's counsel, Chalos, O'Connor & Duffy LLP, the details of which are: State Bank of Long Island; 960 Port Washington Blvd., Port Washington, NY 11050; ABA 021401617; Chalos, O'Connor & Duffy IOLA Account: 1517007976; and,

- The sum of \$173,358.25 will be wired to the account of the Eastwind Maritime, Inc. via beneficiary bank Nordea Bank Finland PLC, 437 Madison Avenue, New York, New York, 100232; Swift # NDEAUS3N; ABA # 026-010-786 for the benefit of Eastwind Maritime, Inc., beneficiary account # 739-821-3001.
- The sum of \$298,641.755 will be wired to the account of the Defendant Tethys Trading United Arab Italian Bank, Head Office, Rome, Italy, for the benefit of Tethys Trading Sarl Succursale Di Manno Via Cantonale 34 A 6928 Manno Suisse as per the original wire instructions provided by Sarl Star Fruits; and,

IT IS HEREBY ORDERED, that Plaintiff's counsel is to immediately communicate the contents of this Order to every garnishee served with said Processes, upon receipt thereof, and is to serve a copy of this Order on said garnishees by the most expeditious means possible by the end of business, today, March 3, 2008, and the Plaintiff's counsel is to immediately send a copy of this Order to the Defendants.

IT IS HEREBY ORDERED that this action be and the same is hereby dismissed, with prejudice and without costs.

Dated: New York, New York
March 3, 2008

SO ORDERED:



Hon. Laura T. Swain,
United States District Judge

